

Meeting Date: 08-26-08

AGENDA REPORT

Agenda Item # 6A



City of Santa Clara, California



DATE: August 20, 2008

TO: City Manager for Council Action

FROM: Director of Public Works/City Engineer

SUBJECT: Public Hearing: Agreement with Fourth Avenue, LLC, to maintain two (2) non-standard driveway approaches encroaching in the public right-of-way at 550 Moreland Way (APN 097-08-109)

EXECUTIVE SUMMARY: On July 15, 2008, Council set August 26, 2008 as the hearing date for the requested encroachment for Fourth Avenue, LLC, to maintain two (2) non-standard driveway approaches along both the Lick Mill Boulevard and the Moreland Way frontages of the subject property, encroaching approximately 13-feet into the public right-of-way. Non-standard driveway approaches are common for larger developments and are visually similar to standard driveways. Notices have been mailed and posted around the neighborhood of the subject property and at this time no objections have been received.

Staff has prepared an Agreement to allow the two (2) non-standard driveway approaches in the public right-of-ways, and it has been approved for form by the City Attorney and executed by the property owner. A copy of the Agreement has been placed in Council offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE: Approval of the Agreement requires the property owner to maintain the requested non-standard driveway approaches and also relieves the City of any associated liability.

ECONOMIC/FISCAL IMPACT: Processing costs for preparation of the Agreement are covered through collection of appropriate fees. The City is relieved of any maintenance costs for the approaches.

RECOMMENDATION: That the Council:

1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with Fourth Avenue, LLC, to maintain two (2) non-standard driveway approaches encroaching in the public right-of-way at 550 Moreland Way, one along Lick Mill Boulevard and the other along Moreland Way (APN 097-08-109; S.C. 18,301); and
2. Authorize the recordation of the Agreement.

APPROVED:

A handwritten signature in cursive script, reading "Rajeev Batra".

Rajeev Batra
Director of Public Works/City Engineer

A handwritten signature in cursive script, reading "Jennifer Sparacino".
Jennifer Sparacino
City Manager

Documents Related to this Report: Agreement

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: 8-26-08

SUBJECT: S.C. 18,301 – Agreement and Covenant Running With the Land
550 Moreland Way

CERTIFICATION

The proposed Agreement
Regarding the maintenance of two (2) non-standard driveway approaches along the Moreland Way and Lick
Mill Boulevard frontages of property
has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the
scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

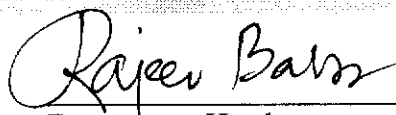
Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code § _____

1. As to City Functions, by

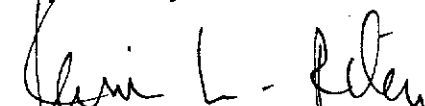


Department Head

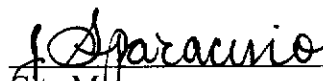
2. As to Legality, by


City Attorney's Office / CAO Assignment No 08. 0495

3. As to Environmental
Impact Requirements, by


Director of Planning and Inspection

4. As to Substance, by


City Manager

Revision Date June 7, 2005